APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/724,088	12/01/2003	Masayuki Koshino	246013US8	1409

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EXAMINER
NGUYEN, KHAI MINH

ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 10/31/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _03 July 2006_.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-6_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-6_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _10/10/2006_.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____ .

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement filed 10/10/2006 fails to comply with the

provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because Applicant did not provide the

reference by English version. It has been placed in the application file, but the

information referred to therein has not been considered as to the merits. Applicant is

advised that the date of any re-submission of any item of information contained in this

information disclosure statement or the submission of any missing element(s) will be the

date of submission for purposes of determining compliance with the requirements based

on the time of filing the statement, including all certification requirements for statements

under 37 CFR 1.97(e). See MPEP § 609.05(a).

Response to Arguments

2.   Applicant's argument with respect to claims 1-6 have been considered but are

moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 3-4 are rejected under 35 U.S.C. 102(a) as being anticipated by Wu

(U.S.Pub-20020082015).

Regarding claim 3, Wu teaches a control server comprising:

a manager (fig.2-3, gateway 103) configured to manage a configuration of a

radio access network including a data server connected to the control server (fig.2-3,

nodes 201and 301) and a base station managed by the data server (fig.2-3, base

station controllers 202, 203, 302, 303, paragraph 0036, base station controller (BSC)

202 controls base stations 204, 205, 206, and base station controller (BSC) 203

controls base stations 207, 208, 209, paragraph 0036);

a transfer path setter configured to set a data transfer path for an IP packet

containing user data in accordance with the configuration (table 1, fig.3-4, paragraph

0035-0036);

a network configuration notifier configured to notify an instruction to reserve a

resource of a base station (fig.3, base stations 204-209 and 304-309) in accordance

with the configuration (table 1, fig.3-4, paragraph 0054), wherein a connection ID is

assigned to the data transfer path (table 1) and included in the instruction when the

transfer path is set (table 1, fig.3-4, paragraph 0054-0055).

Regarding claim 4, Wu teaches the control server according to claim 3, wherein

the control server (fig.2-3, nodes 201 and 301) is connected to a plurality of data

servers (fig.2-3, base station controllers 203-203 and 302-303).

Claim Rejections - 35 USC § 103

4.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2 and 5-6 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Wu (U.S.Pub-20020082015) in view of Nguyen (EP 1150521).

Regarding claim 1, Wu teaches a radio access network system (fig.2-3)

comprising:

a control server (fig.2-3, nodes 201 and 301, paragraph 0036, base station

controller (BSC) 202 controls base stations 204, 205, 206, and base station controller

(BSC) 203 controls base stations 207, 208, 209), comprising

a manager (fig.2-3, gateway 103) configured to manage a configuration of a radio

access network including a data server connected (fig.2-3, base station controllers 202,

203, 302, 303, paragraph 0036, base station controller (BSC) 202 controls base stations

204, 205, 206, and base station controller (BSC) 203 controls base stations 207, 208,

209) to the control server (fig.3, nodes 201 and 301) and a base station (fig.2-3)

managed by the data server (paragraph 0036);

a transfer path setter configured to set a transfer path for an IP packet (table 1,

internet data packet) containing user data in accordance with the configuration (fig.2-3,

mobile device 104, paragraph 0035-0036);

a network configuration notifier configured to notify an instruction to reserve a

resource of a base station in accordance with the configuration (table 1, fig.3-4, mobile

device 104, paragraph 0054-0055), wherein a connection ID (table 1, fig.3) is assigned

to the data transfer path (table 1) and included in the instruction when the data transfer

path is set (table 1, fig.3-4, mobile device 104, paragraph 0054-0055); and

a the data server (fig.2-3, base station controllers 202, 203, 302, 303, paragraph 0036), comprising

a manager (fig.2-3, gateway 103) configured to manage a resource of a base station located in the radio access network (table 1, fig.2-4, paragraph 0054-0055); and

a resource notifier configured to notify the assigned resource to the control server (table 1, fig.2-4, paragraph 0035-0036)

Wu fails to specifically disclose a resource assigner configured to assign the resource to the transfer path for an IP packet containing user data in accordance with the resource reservation instruction notified by the control server. However, Nguyen teaches a resource assigner configured to assign the resource to the transfer path for an IP packet containing user data in accordance with the resource reservation instruction notified by the control server (fig.1-3, H (host), MSD (mobility server device), GW1 and GW2, T (terminal), paragraph 0020-0022). Therefore, it would have been obvious to one having ordinary skill in the art at the invention was made to apply the teaching of Nguyen to Wu to provide a method for setting up a session between a host of a data network and a mobile terminal of a mobile network.

Regarding claim 2, Wu teaches a radio communication method in a radio access network including a base station, a control server and a data server (fig.2-3), the method comprising the steps of:

managing (fig.2-3, gateway 103) a configuration of the radio access network in the control server (fig.2-3, nodes 201 and 301, paragraph 0036);

setting a data transfer path for an IP packet (table 1) containing user data in

accordance with the configuration, in the control server (table 1, fig.3-4, paragraph

0035-0036);

notifying an instruction to reserve a resource of a base station (table 1) in

accordance with the configuration (table 1, fig.1, paragraph 0054-0055), wherein a

connection ID is assigned to the data transfer path (table 1) and included in the ·

instruction when the transfer path is set, in the control server (table 1, fig.1, paragraph

0054-0055);   ·

managing (fig.2-3, gateway 103) a resource of a base station (fig.3, base stations

204-209 and 304-309) located in the transfer path set by the control server (table 1,

fig.3-4, paragraph 0036), in the data server (fig.2-3, nodes 201 and 301, table 1); and

notifying the assigned resource to the control server, in the data server (table 1,

fig.2-4, paragraph 0035-0036)

Wu fails to specifically disclose assigning the resource to a data transfer path for

an IP packet containing user data in accordance with a resource reservation instruction

notified by the control server, wherein the resource reservation instruction comprises a

connection ID assigned to the data transfer path, in the data server. However, Nguyen

teaches assigning the resource to a data transfer path for an IP packet containing user

data in accordance with a resource reservation instruction notified by the control server

(fig.1-3, H (host), MSD (mobility server device), GW1 and GW2, T (terminal), paragraph

0020-0022), wherein the resource reservation instruction comprises a connection ID

assigned to the data transfer path, in the data server (fig.1-3, H (host), MSD (mobility

server device), GW1 and GW2, T (terminal), paragraph 0020-0022). Therefore, it would

have been obvious to one having ordinary skill in the art at the invention was made to

apply the teaching of Nguyen to Wu to provide a method for setting up a session

between a host of a data network and a mobile terminal of a mobile network.

Regarding claim 5, Wu teaches a data server comprising:

a manager (fig.2-3, gateway 103) configured to manage a resource of a base

station located in a radio access network (fig.2-3, nodes 201 and 301, base station

controllers 202, 203, 302, 303, paragraph 0036, base station controller (BSC) 202

controls base stations 204, 205, 206, and base station controller (BSC) 203 controls

base stations 207, 208, 209, paragraph 0036); and

a resource notifier configured to notify the assigned resource to the control server

(table 1, fig.2-4, paragraph 0035-0036).

Wu fails to specifically disclose a resource assigner configured to assign the

resource to a data transfer path for an IP packet containing user data in accordance

with a resource reservation instruction notified by a control server, wherein the resource

reservation instruction includes a connection ID assigned to the data transfer path.

However, Nguyen teaches a resource assigner configured to assign the resource to a

data transfer path for an IP packet containing user data in accordance with a resource

reservation instruction notified by a control server (fig.1-3, H (host), MSD (mobility

server device), GW1 and GW2, T (terminal), paragraph 0020-0022), wherein the

resource reservation instruction includes a connection ID assigned to the data transfer

path (fig.1-3, H (host), MSD (mobility server device), GW1 and GW2, T (terminal),

paragraph 0020-0022). Therefore, it would have been obvious to one having ordinary

skill in the art at the invention was made to apply the teaching of Nguyen to Wu to

provide a method for setting up a session between a host of a data network and a

mobile terminal of a mobile network.

Regarding claim 6, Wu and Nguyen further teach the data server according to 5,

wherein the data server transmits and receives the IP packet containing the user data

via the data transfer path set by the control server (see Nguyen,(fig.1-3, H (host), MSD

(mobility server device), GW1 and GW2, T (terminal), paragraph 0020-0022).

Conclusion

5.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

6.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Khai M. Nguyen whose telephone number is

571.272.7923. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, George Eng can be reached on 571.272.7495. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Khai Nguyen
Au: 2617   10/26/2006

GEORGE ENG
SUPERVISORY PATENT EXAMINER